

1-1 By: Campbell, et al. S.B. No. 22  
 1-2 (In the Senate - Filed March 7, 2019; March 7, 2019, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 March 20, 2019, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 0, 1 present not  
 1-6 voting; March 20, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17				X

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 22 By: Nelson

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to prohibiting certain transactions between a  
 1-22 governmental entity and an abortion provider or affiliate of the  
 1-23 provider.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-25 SECTION 1. Subtitle F, Title 10, Government Code, is  
 1-26 amended by adding Chapter 2272 to read as follows:

1-27 CHAPTER 2272. PROHIBITED TRANSACTIONS  
 1-28 Sec. 2272.001. DEFINITIONS. In this chapter:

1-29 (1) "Abortion" has the meaning assigned by Section  
 1-30 245.002, Health and Safety Code.

1-31 (2) "Abortion provider" means:

1-32 (A) a facility licensed under Chapter 245, Health  
 1-33 and Safety Code; or

1-34 (B) an ambulatory surgical center licensed under  
 1-35 Chapter 243, Health and Safety Code, that is used to perform more  
 1-36 than 50 abortions in any 12-month period.

1-37 (3) "Affiliate" means a person or entity who enters  
 1-38 into with another person or entity a legal relationship created or  
 1-39 governed by at least one written instrument, including a  
 1-40 certificate of formation, a franchise agreement, standards of  
 1-41 affiliation, bylaws, or a license, that demonstrates:

1-42 (A) common ownership, management, or control  
 1-43 between the parties to the relationship;

1-44 (B) a franchise granted by the person or entity  
 1-45 to the affiliate; or

1-46 (C) the granting or extension of a license or  
 1-47 other agreement authorizing the affiliate to use the other person's  
 1-48 or entity's brand name, trademark, service mark, or other  
 1-49 registered identification mark.

1-50 (4) "Governmental entity" means this state, a state  
 1-51 agency in the executive, judicial, or legislative branch of state  
 1-52 government, or a political subdivision of this state.

1-53 (5) "Taxpayer resource transaction" means a sale,  
 1-54 purchase, lease, donation of money, goods, services, or real  
 1-55 property, or any other transaction between a governmental entity  
 1-56 and a private entity that provides to the private entity something  
 1-57 of value derived from state or local tax revenue, regardless of  
 1-58 whether the governmental entity receives something of value in  
 1-59 return. The term does not include the provision of basic public  
 1-60 services, including fire and police protection and utilities, by a

2-1 governmental entity to an abortion provider or affiliate in the  
2-2 same manner as the entity provides the services to the general  
2-3 public. The term includes advocacy or lobbying by or on behalf of a  
2-4 governmental entity on behalf of the interests of an abortion  
2-5 provider or affiliate, but does not include:

2-6 (A) an officer or employee of a governmental  
2-7 entity providing information to a member of the legislature or  
2-8 appearing before a legislative committee at the request of the  
2-9 member or committee;

2-10 (B) an elected official advocating for or against  
2-11 or otherwise influencing or attempting to influence the outcome of  
2-12 legislation pending before the legislature while acting in the  
2-13 capacity of an elected official; or

2-14 (C) an individual speaking as a private citizen  
2-15 on a matter of public concern.

2-16 Sec. 2272.002. APPLICABILITY. (a) This chapter does not  
2-17 apply to:

2-18 (1) a hospital licensed under Chapter 241, Health and  
2-19 Safety Code;

2-20 (2) the office of a physician licensed under Subtitle  
2-21 B, Title 3, Occupations Code, that performs 50 or fewer abortions in  
2-22 any 12-month period;

2-23 (3) a state hospital as defined by Section 552.0011,  
2-24 Health and Safety Code;

2-25 (4) a teaching hospital of a public or private  
2-26 institution of higher education; or

2-27 (5) an accredited residency program providing  
2-28 training to resident physicians.

2-29 (b) For purposes of this chapter, a facility is not  
2-30 considered to be an abortion provider solely based on the  
2-31 performance of an abortion at the facility during a medical  
2-32 emergency as defined by Section 171.002, Health and Safety Code.

2-33 Sec. 2272.003. ABORTION PROVIDER AND AFFILIATE  
2-34 TRANSACTIONS PROHIBITED; EXCEPTION. (a) Except as provided by  
2-35 Subsection (b), a governmental entity may not enter into a taxpayer  
2-36 resource transaction with an abortion provider or an affiliate of  
2-37 an abortion provider.

2-38 (b) This section does not apply to a taxpayer resource  
2-39 transaction that is subject to a federal law in conflict with  
2-40 Subsection (a) as determined by the executive commissioner of the  
2-41 Health and Human Services Commission and confirmed in writing by  
2-42 the attorney general.

2-43 Sec. 2272.004. INJUNCTION; WAIVER OF IMMUNITY. (a) The  
2-44 attorney general may bring an action in the name of the state to  
2-45 enjoin a violation of Section 2272.003. The attorney general may  
2-46 recover reasonable attorney's fees and costs incurred in bringing  
2-47 an action under this subsection.

2-48 (b) Sovereign or governmental immunity, as applicable, of a  
2-49 governmental entity to suit and from liability is waived to the  
2-50 extent of liability created by Subsection (a).

2-51 SECTION 2. Chapter 2272, Government Code, as added by this  
2-52 Act, applies only to a taxpayer resource transaction entered into  
2-53 on or after the effective date of this Act.

2-54 SECTION 3. This Act takes effect immediately if it receives  
2-55 a vote of two-thirds of all the members elected to each house, as  
2-56 provided by Section 39, Article III, Texas Constitution. If this  
2-57 Act does not receive the vote necessary for immediate effect, this  
2-58 Act takes effect September 1, 2019.

2-59 \* \* \* \* \*